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New York (N.Y.)

Statement of facts and
summary of Committee...

[New York]

[1922]

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208841	ONLY ED

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**STATEMENT OF FACTS
AND
SUMMARY**

of

COMMITTEE APPOINTED BY
HONORABLE JOHN F. HYLAN
MAYOR OF THE CITY OF NEW YORK

TO INVESTIGATE THE LABOR
CONDITIONS AT THE
BERWIND-WHITE COMPANY'S
COAL MINES IN SOMERSET
AND OTHER COUNTIES,
PENNSYLVANIA

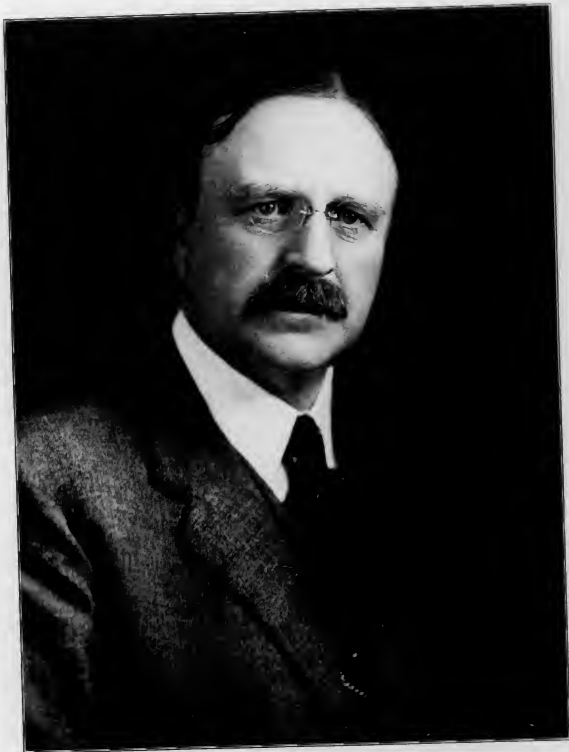
APPOINTED BY RESOLUTION OF THE
BOARD OF ESTIMATE AND APPORTIONMENT

DAVID HIRSHFIELD
Commissioner of Accounts
CHAIRMAN OF COMMITTEE

December, 1922



HON. JOHN F. HYLAN, MAYOR OF NEW YORK



HON. JOHN F. HYLAN, MAYOR OF NEW YORK

The Committee



HON. DAVID HIRSHFIELD
Commissioner of Accounts of the City of New York,
Chairman of Committee



MRS. LOUIS R. WELZ MILLER
Deputy Commissioner of Public
Markets



JOHN LEHMAN
Assistant Corporation Counsel



AMOS T. SMITH
Mechanical Engineer of the Office of
the Secretary of the Board of Esti-
mate and Apportionment



THOMAS T. MORAN
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December 6, 1922.

*To the Honorable
The Board of Estimate and Apportionment of The City of New York.*

GENTLEMEN:

At the meeting of your Honorable Board on September 26, 1922, called by Mayor John F. Hylan, a letter dated September 21, 1922, from Mr. Norman Hapgood, with respect to the conditions of the employees in the bituminous coal mines in Somerset and Cambria Counties, Pa., was presented for your consideration.

With his letter Mr. Hapgood enclosed a memorandum in which was pointed out:

That the Berwind-White Coal Company has the chief contract for supplying coal to the Interborough Rapid Transit Company in New York City. That said contract is not being lived up to, and the company cannot supply the coal because it refuses to sign an agreement with the striking miners in Pennsylvania.

That this fuel shortage has been the excuse for orders by the New York Transit Commission, relieving the Interborough from giving full schedules of service, and that so long as the authorities in New York permit inefficient subway service so that the Berwind-White Coal Company can devote its energies to fighting union miners instead of supplying coal, they are aiding a union-breaking campaign.

That the Berwind-White miners in Somerset and Cambria Counties, Pa., are anxious to send a committee to Mayor Hylan and the Board of Estimate to explain their readiness to mine subway coal under a signed agreement, and tell why they can never return to the old non-union conditions, against which they have been striking since April.

That the "Subway Sun" for the week of September 18, 1922, contained a statement that the Interborough Rapid Transit Company had spent a million dollars for coal last summer due to strikes; that such extra drain will go on so long as the Berwind-White strike continues and that the City will be compelled to pay the extra costs of fighting the strike as well as enduring bad service, if it fails to take the stand for a settlement.

That the agreement asked by the Berwind-White miners is the same as that which was signed by all other organized districts in the country.

That the Berwind-White miners are part of the seventy to eighty thousand strikers still out, principally in Somerset, Cambria, West Moreland and Fayette Counties, Pa., and that besides the Berwind-White Company, the chief employers who refuse the agreement, are the U. S. Steel Corporation (H. C. Frick Coal and Coke Company) and Rockefellers' Consolidated Coal Company.

Your Honorable Board thereupon, on the 26th day of September, 1922, held a public hearing, at which various labor representatives, including James Mark,

Vice-President of the United Mine Workers of America, District No. 2, Mr. Powers Hapgood and James Gibson of the United Mine Workers of America, attended and spoke. Thereafter, having heard the grievances and a recital of the distressing condition of the miners and other employees in the Berwind-White Coal Company mines, your Honorable Board on October 13, 1922, adopted a resolution authorizing the Mayor to appoint a committee of five, to investigate the mining and living conditions of the miners in the regions of the Berwind-White Coal Company, particularly in relation to the coal supplied to the Interborough Rapid Transit Company, in which latter corporation, it is calculated, The City of New York has an investment of, approximately, three hundred million dollars.

Appointment of Committee

On October 26, 1922, his Honor, Mayor John F. Hylan, appointed the following Committee:

David Hirshfield, Commissioner of Accounts, Chairman.
Mrs. Louis R. Welzmler, Deputy Commissioner of Public Markets.
John Lehman, Assistant Corporation Counsel.
Amos T. Smith, Mechanical Engineer, of the office of the Secretary of the Board of Estimate and Apportionment.
Thomas F. Moran, Examiner of the Bureau of Investigations, Department of Finance.

Chairman Refuses Offer of Interborough Official

Within a day or two after the appointment of the Committee, an official of the Interborough Rapid Transit Company, well-known to the Chairman, called the Chairman on the telephone and offered to provide for the Committee in one of the Berwind-White Coal Mining Company's cottages during its stay in the Johnstown coal regions. The Chairman refused the offer, but suggested that, having previously communicated with the miners' representatives to meet the Committee on its arrival at the Fort Stanwix Hotel, Johnstown, Pa., he would be pleased to have that coal mining company's representatives meet the Committee at the same time and place. In answer, the Interborough official promised to have the superintendent, or assistant superintendent of the Berwind-White Coal Mining Company mines meet the Committee, on its arrival at the hotel in Johnstown.

The Committee set out upon its commission, with an unprejudiced and open mind, determined to hear all sides of the controversy, and reached Johnstown on Saturday evening, October 28, 1922. Upon its arrival at the hotel, the Committee found there awaiting it the miners' representatives, but no one from the Berwind-White Coal Mining Company.

From the time the Committee arrived in Johnstown until it left, it was constantly under the surveillance of the spies of the coal companies; the rooms of

the Committee in the hotel were ransacked and even their mail tampered with, and everything possible was done to make the stay of your Committee there as uncomfortable as possible.

Conditions Found at the Coal Fields

On Sunday, October 29, 1922, your Committee, accompanied by representatives of the mine workers, visited the Berwind-White Coal Mining Company's coal fields at Windler, Scalp Level and Seanor. The day was cold and blustery and ice was evident everywhere from the heavy frost of the night before.

At the Windler mine, the Committee found no strikers, and, according to information, those who had been evicted at this mine had moved to other fields nearby.

At Mine No. 40, located at Scalp Level, about thirty-two families, including one hundred and eighty children, were found living in tents on the bare ground, without stoves or other protection from the cold. These families, it was stated, were the remainder of a group of 200 families who had been evicted from their homes at this mine by the Berwind-White Coal and Iron Police, shortly after the commencement of the strike in April, 1922. Some of the evicted families had been taken care of in barracks erected by the union and in the homes of relatives, while others who, in some manner, had secured sufficient funds to move away, had obtained employment in union mines. The families without funds and without friends could not leave the district but were compelled to stay where they were and depend for their subsistence upon the meagre sum advanced them by the union.

At Mine No. 38, located at Seanor, only ten families were found out of the original 150 families evicted from their homes at this mine. Some of these families were living in hen-houses, cow sheds, cellars and under tents. Here also, the union supplied these people with enough food to keep them existing.

The Committee was informed that the funds of the union available for assisting the striking miners and their families to keep them from starvation, were rapidly becoming exhausted. That being so, the future of these people for coming winter is very dark indeed.

At all the mines which the Committee visited, it found most of the women and children barefooted and scantily clad. The feet and limbs of most of these unfortunates, particularly those of the children, were scarred and bleeding from walking on hard ice, through underbrush and over stone. The picture was most depressing.

The influences of all the years of meagre living and struggle for mere existence among these barren hills, had left an imprint on these miners and their families, that amounted almost to despair. Their women folks become old and hollow-eyed before their time. The children were found undersized, and with supplicating eyes begging for help.

Most of the miners in Somerset County are Poles, Russians, Slovaks, Hungarians, with a few Welsh and very few Irish. Many of them have been there



TENT COLONY
Where 32 families, with 180 children, were found living on the bare ground.

for many years. In some instances, two generations have been working in these mines and the second generation is just as poor as was the first.

The customs and habits of the various peoples from their native lands are being preserved. The older women wear kerchiefs on their heads and the young women, on special occasions, adorn themselves with various bright-colored boudoir caps.

The children, besides attending the local public schools, are also educated in the tongue of the native land of their parents. Seeing one of these mining camps is about the same as visiting a village in Hungary, Czecho-Slovakia or Russia.

No matter from what land they came, these people are all blessed with large families, averaging from five to six children. To their credit, however, it must be said that no matter under what conditions these people were found living, whether in a hen house, cow shed, cellar or tent, a picture of the Saviour, properly framed, had the conspicuous place in the improvised home, and cleanliness reigned everywhere. In every instance where a housewife could boast of a stove, it was found shining mirrorlike.

Everywhere the Committee was met by the smell of boiling cabbage. In former years, the Committee was informed, when the men worked more steadily and the cost of living was cheaper, their families could afford meat about every other day, but now they were lucky to get meat once a week. The man when working gets meat oftener, to take along in his dinner pail. The average daily diet for the men, women and children, young and old, consists of bread and coffee for breakfast, cabbage and potatoes for dinner, bean soup and potatoes for supper.

It appears that the Berwind-White Coal Mining Company maintained a force of armed guards at each of its mines and the miners complained that these armed guards would come over to the camps daily and endeavor to pick quarrels with the strikers and treat their women in a disrespectful manner. Your Committee was informed that two days before its arrival, these guards disappeared from view and, with the exception of the Windber mines, no armed guards were visible at any of the mines.

The Berwind-White Coal Mines and Methods of Mining

The Berwind-White Coal Mining Company's mines are semi-bituminous, or soft coal mines, and most of them are of the type known as "drift" mines. In a "drift" mine, a tunnel is driven into the seam of coal at the point where it emerges from the side of the mountain. Thence the tunnel gradually slopes downward, following the coal seam, until the main seam of coal is reached at a distance of from one to ten miles from the mouth of the mine.

In "shaft" mines, the coal generally lies in deeper strata of earth than in the "drift" mines. The coal is located with a core drill and a shaft is sunk into the ground to the level of the coal seam.



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FAMILIES EVICTED FROM THEIR HOMES AT MINE No. 38, SEANOR, LIVING IN HEN-HOUSES, COW SHEDS, ETC.

Committee Descends Into a Coal Mine

To get first hand information how coal is being mined, the Committee visited a coal mine on the 1st day of November, 1922. However, owing to the fact that the mine was only recently opened, the Committee was not obliged to go further than about a mile out in the mine and several hundred feet down, to reach the heading, or room where coal was actually being mined. This experience gave the Committee a full realization of the conditions under which the miners are compelled to work.

The method employed in getting the coal out of the ground is the same in both types of mines. A trench about two feet high is dug by the miner underneath the coal, holes are bored into the coal, explosives inserted into the holes, and the coal is shot loose from the roof of the trench. The miners then break up the coal into small pieces and load it into small cars which, after being loaded, are dragged by mule or electric power to the "tipple" at the entrance to the mine, where it is weighed, and, at the Berwind-White mines, is immediately dumped into large railroad coal cars for shipment to the place of its ultimate destination.

The tunnels in these mines are so low that it is impossible for even an undersized person to walk in them in an upright position. An instance was cited to the Committee of a miner who, because of his six foot height, was obliged to lie down to enable him to dig coal.

The miner works underground in darkness, save for the light he carries on his cap. The miner never sees the light of day, excepting on Sundays, and is always in danger of the roof caving in and burying him, or gases in the mine exploding and killing him, similarly to those killed in the gas explosion which occurred recently at Spangler, Pa., about twenty miles from the Berwind-White mines. Federal statistics show that one-third of the workers in the mines are either killed or maimed each year. Widows, orphans and cripples abound in mining towns, and the mines are growing deeper each year and, therefore, more dangerous.

General Strike in the Coal Fields

On April 1, 1922, there was a general strike declared in the coal mining industry throughout the country. Thereafter, negotiations were had between certain mine operators in the various mining districts in the country and the representatives of the miners, and on August 15, 1922, an agreement was signed at Cleveland, Ohio, by a majority of the soft coal operators with the representatives of the United Mine Workers, by the terms of which agreement the operators agreed to pay their miners the old wage for mining coal and for "dead work." The Berwind-White Coal Company did not join in the Cleveland conference and refused to negotiate with the representatives of the United Mine Workers, and hence the strike in their mines remains unsettled.

Your Committee was informed that 45,000 bituminous coal mining employees



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BAREFOOTED AND SCANTILY CLOTHED CHILDREN AND WOMEN, WHOSE FEET AND LIMBS WERE SCARRED AND BLEEDING FROM WALKING ON ICE THROUGH UNDERBRUSH AND OVER STONES

in District No. 2, which includes Somerset, Cambria and other nearby counties in Pennsylvania, and 500,000 mine employees in other parts of the country have returned to work under the Cleveland Agreement, and that about 70,000 mine workers, including the employees of the Berwind-White mines, are still out.

The Berwind-White Coal Company Refuses to Participate In the Hearings

On October 29, 1922, the day when the Committee visited the Berwind-White coal mines, the Committee called at the office of the Berwind-White Coal Mining Company in Windber, Pa., and the Chairman personally met Mr. W. E. Newbaker, Assistant Superintendent of the Berwind-White Coal Mining Company, and invited the Company's representatives to be present and participate in the hearings, which were to be held by the Committee the following day. In answer, this gentleman disclaimed that there was a strike in the Company's mines, and stated that the Company would refuse to attend any hearing of the Committee, or meet any of its former employees, but that the Committee could call at the office of the Coal Company and the Company's representative would answer any proper questions the Committee would propound. Mr. Newbaker was then asked as to who was to judge whether a question propounded by the Committee were proper or improper, and he replied that every business man was a judge whether a question asked him is a proper question. The Chairman thereupon declined the offer to have the Committee meet the Company's officials behind closed doors, without representatives of the miners being present.

Committee Holds Public Hearings and Offers Services to Settle Labor Disputes

The Committee thereafter held two public hearings, namely, on October 30 and 31, 1922, at Windber, Pa., in the only independent hall in that town, and a third hearing on November 1, at Johnstown, in the Fort Stanwix Hotel.

In addition to the personal inspections and investigation by your Committee, it examined twenty-one witnesses, mainly former employees of the Berwind-White Coal Company, and heard various officials and representatives of the coal miners' union.

It did not take long to learn that the Berwind-White Company officials treated their employees purely as beasts of burden and sacrificed the lives and limbs of thousands of men and the happiness and future of thousands of women and children to build for themselves an industrial autocracy.

Sad as it is, the charges of underpaying, short weighing and overcharging for food and clothing against the Berwind-White Coal Mining Company by its striking employees are only too true. The dejected condition of the miners, the wasted bodies of their wives and the sad faces of their undersized children, testified in the strongest terms to their helpless and poverty stricken condition.



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ONE OF THE ARMED GUARDS MAINTAINED BY THE BERWIND-WHITE COAL MINING COMPANY AT EACH OF ITS MINES

The stories of these poverty-stricken people were such as would melt any heart excepting that in the stony bosom of a coal baron. No Egyptian Pharaoh rearing for his glory a towering monument ever drove his slaves harder than these miners were driven. No Czar was more autocratic than were these representatives of predatory-so-called-big business.

The first hearing was attended by the mine union representatives and between four and five hundred miners with their women folk and children, but no one appeared for or in behalf of the Berwind-White Company. Mr. John Lochrie and Mr. D. T. Price, two coal operators in that district, were present and claimed to represent the citizens of Windber, denying any connection with the Berwind-White interest. Mr. Lochrie stated that the reason why no other residents of Windber came to the hearing, was because the hall in which the Committee met was considered strikers' territory by the citizens of the town of Windber.

The Chairman thereupon explained that the reason why the hearings were held in that hall was because it was the only hall the Committee could get in Windber, and stated that the Committee would gladly meet at any other place Messrs. Lochrie and Price would suggest.

At this hearing the Chairman also tendered the good offices of the Committee to Messrs. Lochrie and Price with a view of bringing them and their striking mine workers together. Both these gentlemen, however, declined the Committee's offer, stating that there was no strike in their mines and they had nothing to settle.

After a further colloquy between the Chairman and Mr. Lochrie, it developed that Mr. Lochrie himself owned a large hall in Windber and the Chairman challenged Mr. Lochrie to allow the Committee to hold its next session in his hall. Mr. Lochrie agreed to that and volunteered to call on the Berwind-White Company's officials and make an effort to induce them to have their corporation represented on that occasion. However, when on the following morning the Committee came to Mr. Lochrie's hall, it was found locked and the Committee was obliged to adjourn to the independent hall, where the previous hearing was held.

Later on, the Committee learned that both Messrs. Lochrie and Price, as lessees of coal mines from the Berwind-White Coal Mining Company, were, practically, subordinates of the Berwind-White Coal Mining Company and subject to the orders of that company.

At the conclusion of the second hearing the Chairman again publicly invited the Berwind-White Coal Mining Company to attend the Committee's final hearing on November 1, at the Fort Stanwix Hotel, in Johnstown. However, no representative of that company appeared at that hearing, and the Committee proceeded to ascertain from the miners and their representatives what steps they had taken to try to settle the strike.

At the close of this last session of the Committee, the Chairman sent the Berwind-White Coal Company a telegram, stating that the Committee would



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wait in Johnstown all that day to hear from the Company's officials and, if necessary, the Committee would gladly prolong its stay to hear the Company's side of the strike situation. Not receiving an answer to that telegram, the Committee came away without hearing the Coal Company's side of the controversy between it and its striking employees.

Reasons Which Led Up To Strike

So far as your Committee could ascertain, the reasons and circumstances which led up to the strike and the conditions now existing at the mines operated by the Berwind-White Coal Mining Company, are the following:

Prior to February 15, 1922, the miners in the bituminous coal mines in and around Johnstown, Pennsylvania, including the Berwind-White Coal Company's mines, were paid \$1.28 per ton for the coal they mined and 60 cents per square yard for "dead work." "Dead work" consists of removing stone, dirt and other debris in the mine to permit the mining of the coal and the entry into the tunnel of the small and low cars on which the coal is loaded and brought to the surface. It was testified that at times from two to three feet of rock had to be excavated from the sides and bottom of a coal seam, and that from one to two days a week of the miner's time often was spent in removing such rock and dirt.

On February 15, 1922, the Berwind-White Coal Mining Company abolished payment for "dead work" and, on April 1, 1922, reduced the rate for mining coal from \$1.28 to \$1.01 a ton.

It was testified that when miners were receiving \$1.28 a ton for mining coal and 60 cents a square yard for "dead work," they earned in the Berwind-White mines from \$30 to \$45 each two weeks' period, when working. Out of this wage each miner had to purchase his drills, picks, shovels and other tools, pay the Company from \$9 to \$12 rent per month, besides the annual school tax, and one dollar per month for the maintenance of the Company's hospital. He also had to purchase carbon for his light in the mine, powder for blasting, and had to pay the blacksmith for shaping his tools, all of which entailed upon him an additional expense averaging from \$2 to \$3 per month.

The conditions which the miner happens to meet in the mines affect his earning to a great extent. The seam of coal in which a miner works is generally 20 feet wide and from 2 to 4 feet high. If he is fortunate enough to be working in a four-foot high coal seam, he makes considerably more money than does the man who is compelled to work in a two-foot vein. It was stated that to secure the better places, it was invariably necessary from time to time to tip the mine foreman \$5 to \$10.

The President of the United States has said, recently, that to live and maintain self-respect, a miner should have 280 days' work per year and earn not less than \$1,600 a year. According to the Labor Report of 1921, in District No. 2, which includes the Berwind-White Coal Company's mines in Somerset County, Pennsylvania, under the policy of that Company, its miners were employed only



COMMISSIONER DAVID HIRSCHFIELD EQUIPPED TO ENTER A COAL MINE WITH HIS COMMITTEE TO GET FIRST-HAND INFORMATION ON HOW COAL IS BEING MINED AND BROUGHT TO THE SURFACE

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during part of the year and their individual earnings were on an average only \$700 per year. Out of this sum, after deducting his expenses enumerated in the preceding paragraph, the miner had to support himself and his usually large family 365 days in the year.

Other Grievances of the Mine Employees

There are other grievances which the Berwind-White Coal Company's former employees urged against that Company. They complained that they did not receive credit for all the coal they mined, and that they were compelled to purchase all their food, clothing, furniture, tools, etc., in the stores owned or controlled by the Berwind-White Coal Mining Company, and commonly known as "Pluck Me" stores.

How The Miners Receive Credit For Less Coal Than They Mine

At the union mines, the miners are allowed to have their own check weighman present when the coal they mined is being weighed. At the Berwind-White and other non-union mines, the miners are not allowed this privilege.

It appears that at the Berwind-White coal mines, when the coal is brought out of the mine in the small cars to the tippie, the car is placed upon a platform scale the beam of which is enclosed and into which enclosure the miner is not admitted. The miner is thus denied the right to see for himself how much the coal he had mined weighs, and is obliged to accept the word of the company's weigher. It is common talk among the miners, that out of every five train loads of coal leaving the Berwind-White Coal Company's mines, every fifth train carries away coal for which the miners received no pay.

The exposure of this condition by your Committee had its immediate effect, for within a few days thereafter State Senator W. J. Steinemann announced that he would introduce a bill at the next session of the Pennsylvania State Legislature, compelling the placing of check weighers representing the miners at every bituminous coal mine tippie in Pennsylvania.

Company ("Pluck Me") Stores

Up to a few years ago, all the larger coal mining corporations in the State of Pennsylvania owned and operated company stores and compelled their employees to trade there. The abuse of this system became so intolerable, the Legislature of Pennsylvania passed a law prohibiting coal mining companies from owning or operating stores.

It is claimed that while most of the coal mining companies in the State of Pennsylvania are complying with that law, the Berwind-White Coal Mining

Company is evading it, by operating its stores under the corporate name "Eureka Stores."

According to the evidence before the Committee, anyone employed by, or seeking employment with the Berwind-White Coal Mining Company is required to sign a contract which authorizes that company to deduct from his wages whatever bills he may contract at the "Eureka Stores" and if he does not sign such contract, he is not given employment. Further, that whenever a miner employed by the Berwind-White Company is caught trading elsewhere than at the "Eureka Stores," he is rebuked for it by his superior and is given to understand that a repetition of such offense will bring about his dismissal from his employment.

The miners claim that they were compelled to pay from 20 to 100 per cent. more for food, furniture, clothing, shoes, tools, dry goods, hats, needles, shoe strings and other merchandise at the Company's stores than they could have purchased similar commodities elsewhere, and that they had often been charged and were obliged to pay for merchandise they had never received.

Mrs. Harry Beal testified that on numerous occasions she had compared the prices of merchandise in the Company's Eureka (Pluck Me) stores with the prices in other stores in Windler, and had found quite a difference. For instance, when the Company stores charged 65 cents a pound for butter and 80 cents for a dozen eggs, elsewhere butter sold at 50 cents a pound and eggs at 60 cents a dozen; that she also had found that the price for shoes at the "Pluck Me" store was just double that in other stores, and that ordinary outing cloth which could be purchased anywhere for 18 or 20 cents a yard cost 50 cents a yard in the Company's stores.

The Berwind-White Company's Employees Seldom Receive Cash

The miners and other employees of the Berwind-White Coal Mining Company seldom, if ever, receive any cash for their work.

Former employees of the Berwind-White Coal Mining Company testified that, as a rule, whatever money they had earned, from time to time, was more than counterbalanced by the charges the Company claimed against them, and that on, so-called, pay days they seldom received more than one dollar in actual money. This dollar was characterized by the Chairman as a "trick dollar."

Every Berwind-White mine employee on each pay day received from the Company a statement showing his earnings during the previous two weeks, his indebtedness to the Company and to the "Eureka Stores" and the balance remaining due the Company, or to the "Eureka Stores," as the case may be. However, in order to get possession of that statement and not permit the employee to take it with him and, perhaps, study it closely, the Company allowed him to draw one dollar. To get that dollar the employee had to sign the statement and turn it in to the cashier. Thus the miner's evidence of his unfair treatment by the Company was taken away from him and the trick was done.



THE COMMITTEE ENTERING A COAL MINE

It is sad, but seems true, nevertheless, that once a miner is brought to work in one of the Berwind-White Coal Mining Company's mines, he is unable ever to leave again. A proper motto at the entrances to the various hollows where these mining camps are located, would be "Abandon Hope, all ye who enter here."

To emphasize that the foregoing portrays truly the conditions existing at these mines, the following proofs are cited:

A Mrs. Sadvari, the wife of a miner employed prior to the strike in Berwind-White coal mine No. 38, testified that owing to the fact that her husband hardly ever received any cash for his work, she was unable to visit her parents at Johnstown oftener than once in two years, as the railroad fare to Johnstown and back is 70 cents.

Mrs. Harry Beal, a mother of six children, whose husband was employed as night watchman on the tippie at one of the Berwind-White mines, testified that she had availed herself of the services of physician whenever she delivered a child, and that because of lack of cash she was obliged to pay her physician's bill in instalments of a dollar every pay day. That, usually, she had paid the doctor's bill for the one child before the next child was born but that, because of increase in the cost of living, when her last baby was born she still owed the physician a balance for the baby before. Mrs. Beal further testified that most of the mothers in these mining camps, particularly those who come from the peasantry of Hungary, Poland, Russia and Czecho-Slovakia, do not permit themselves the luxury of a physician when giving birth to a child, but depend upon assistance of some of the older women in the camp.

Louis Chaney testified, that before the strike he had earned from \$18 to \$20 every two weeks and that in spite of his good fortune in not having children to support, he was unable to buy himself any clothing, and that if the union had not given him trousers and a pair of shoes, he could not have attended the hearing.

Bert Thompson, who at one time was assistant foreman in Berwind-White coal mine No. 36, testified that in the thirty-three years he had worked in the mines, he knew of only thirty miners out of the four thousand in the Windber section, who owned their homes, and that these thirty were enabled to acquire their homes only because of some insurance benefit they received on the death of a member of their family "or because of some windfall."

Miners Slaves of Coal Corporations

According to the tales of horror recited before the Committee, the living and working conditions of the miners employed in the Berwind-White Coal Mining Company's mines were worse than the conditions of the slaves prior to the Civil War. This circumstance caused the Chairman to remark at one of the hearings, that Uncle Tom, as portrayed by Harriet Beecher Stowe in "Uncle Tom's Cabin," was far better off than were these miners, for while Uncle Tom conceded his body belonged to his master, he claimed his soul for God. The Berwind-White Coal Mining Company seems to own its miner body and soul. One of the miners present supplemented the Chairman's statement by claiming



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that Uncle Tom was far better off than were the Berwind-White Company's coal miners, because the slave owners housed, fed and clothed their slaves, while at Windber, if the miner does not do as he is bid by the Coal Company, he and his family are kicked out of their home and are left to starve and freeze to death like dogs.

Miners and Their Families Ejected from Their Homes

The Berwind-White Coal Mining Company, like many other coal mining companies in that region, owns a large number of small buildings, known as "Company Houses." These houses the Company leases to the miners for their dwellings and each lease contains a clause "that if for any reason the Company desires to reclaim its property, it can do so upon a ten days' notice."

It appears that last April, shortly after the miners in the Berwind-White Company's mines went on strike, they were thrown out of their homes by the company's guards, and that in many instances the ten days' notice was omitted.

Mrs. Mary Dill testified before your Committee, that at the time when the miners left their work she was about to become a mother. That her condition, however, did not save her from the fate of the other tenants who refused to do the bidding of the Berwind-White Coal Mining Company. As a result thereof, Mrs. Dill's baby was born in a tent and whenever it rained an umbrella had to be held over mother and baby to keep them dry.

Edward E. Venelle, a Spanish War Veteran, testified that the Coal and Iron Police came into his house, put out the fire in the stove on which his wife was cooking supper and expelled him and his family from the premises. That two or three Coal and Iron Policemen with guns in their hands walked alongside the truck upon which he moved his belongings to the tent colony, which reminded him of the Spanish-American War, when they guarded the paymaster's wagon in a similar manner.

Stanley Harlan, a miner in the Berwind-White mines, who because he was over six feet tall, was obliged to lie down in the mine when digging coal, testified that shortly before the strike, he encountered water in the mine and was obliged to lie for days in that water while working. As a consequence thereof, he became ill and was obliged to take to his bed. That when the company's men came to put him out he begged to be permitted to remain in the house until he got well, and although his illness was contracted while working, poor Stanley, his wife and four children were ejected from their home and were obliged to take to a tent, which sympathetic friends had provided for him.

The Berwind-White Coal Mining Company Owns Windber and Controls Its Officials and Their Election

The center of the Berwind-White coal mining activities is the Borough of Windber. "Windber" is the largest community in Somerset County, Pennsyl-



STANLEY HARLAN, THE TALL MINER AND HIS LITTLE FAMILY, TELLING THEIR TROUBLES TO COMMISSIONER HIRSCHFELD

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vania, and derives its name from reversing the two syllables of the name "Berwind."

Mr. E. J. Berwind, said to be the largest individual stockholder in the Interborough Rapid Transit Company of New York, is chairman of that company's board of directors, and, as such chairman, controls the purchasing of coal by the Interborough Rapid Transit Company. The same Mr. E. J. Berwind is the principal owner of the Berwind-White Coal Mining Company, and as such coal mine owner sells his coal to the Interborough Rapid Transit Company. Mr. E. J. Berwind is also a director in the Pennsylvania Railroad Company and the Pennsylvania Railroad tracks run to the several Berwind-White coal mines in Pennsylvania, and the coal mined in the Berwind-White mines is loaded from the tipples at the mine into the Pennsylvania Railroad's cars for direct shipment to New York.

The Berwind-White Coal Mining Company controls absolutely the Borough of Windber and the other towns wherein its mines are located. It owns the banks, the theatre, a number of public halls, the town newspaper and all the public service plants in Windber. All public officials in Windber, including the burgess, squires, councilmen and the police, are either employees of, or in some way connected with the Berwind-White Company. That coal corporation also seeks to control, and most of the time does control, the election of county judges and of other county officers, as does the Interborough Company attempt to establish control over the Mayor and other officials in the City of New York, and in former years often succeeded in so doing.

The following extract from the testimony of Bert Thompson, a former employee of the Berwind-White Coal Company, is illuminative of the political activities of that coal mining company and its methods:

Q. What is the political relation between the Berwind-White Coal Mining Company and the officials of the town of Windber?

A. It is a well-known fact that the company controls every office in the Borough of Windber.

Q. Did the men have to vote as they were told?

A. There was pressure brought to bear on every man. On Election Day, we always had the men come out and sent them down to the polling place, and in lots of cases brought them back to finish the day's work. *And we always presented them with a marked ballot.*

Joseph Foster, a former employee of the Berwind-White Company, and a former resident of Windber, testified that he was "chased" out of Windber three times, because he had once advocated the election of a man for county judge who had been opposed by the Berwind-White Coal Mining Company. That as a consequence of his said political activity, he not only lost his job with the Berwind-White Company but no other coal company in the county would employ him, and he was compelled to leave the Borough and secure employment elsewhere.

Miners Not Allowed to Meet on Company's Vacant Land

On April 6, 1922, the miners employed in the Berwind-White Coal Mining Company's mines, because of the wage cut and the conditions under which the operators wanted them to work, left their jobs to organize a strike. Not being able to secure a hall wherein to hold their meeting, these miners met on some vacant land belonging to the Berwind-White Company and when the Company learned of the meeting, it immediately sent its Coal and Iron Police to drive the strikers from the Company's land, and they were compelled to meet in the roadway.

Not having had experience in conducting a strike, the miners sent to union leaders at Nantigo and South Fork to come to Windber and organize them. The Berwind-White Company attempted to prevent the organization of their miners and to that end brought its entire political power into play. Injunctions were procured against the union officials and body attachments against the organizers. The union representatives invited by the strikers were arrested without cause or reason upon reaching Windber and thereafter bodily expelled from the town, and the United Mine Workers and their members were restrained from holding meetings, from spreading propaganda and from doing anything to induce the Berwind-White Company's miners to join the United Mine Workers. These injunctions are still in force but the attachments later were dismissed by County Judge Berkey of Somerset County. Judge Berkey is said to be the first County Judge elected in years in opposition to the candidates supported by the Berwind-White Coal Mining Company.

The political and financial influence of the Berwind-White Company extends beyond Windber and Somerset County. Your Committee was informed that when the United Mine Workers were engaged last Spring in a certain litigation with the Berwind-White Coal Mining Company in the City of Johnstown, Cambria County, they were unable to secure an attorney in that county to appear against the Berwind-White Coal Mining Company.

Very Little Coal is Being Mined in the Berwind-White Coal Mines

Prior to the strike, the output from the Berwind-White mines per day was about 350 railroad cars of 52 tons capacity each, and the Company made preparations to increase the output to 400 railroad cars per day. At present, only about 45 carloads of coal are being mined.

The Committee was informed that the Berwind-White Coal Mining Company had made many efforts to break the strike and for that purpose has brought strike-breakers to its coal mines and is paying them as high as \$8 per day, no matter how much or how little coal they produce. It was stated that very few of these men are miners but were recruited from farms and from the ranks of those in the large cities who do not care to work and get their living as best they can.

The Berwind-White Coal Mining Company Opposed to Labor Unions

It was testified before the Committee that the strikers had been informed that, while the Berwind-White Company absolutely refuses to have anything to do with their former employees as union men, or allow them to have their own check weighman to supervise the weighing of the coal mined, or abolish the Company store system, the Company is willing to take back their former employees as individuals and pay them union wages.

Mr. Lockhardt, Secretary of the Somerset Coal Operators' Association, dominated and controlled by the Berwind-White Coal Mining Company, in discussing the possibility of bringing about an understanding between non-union mine owners and their former employees, was quoted as stating that there was not "the least possibility on God's green earth" for any of the members of the Somerset Coal Operators' Association "to even consider recognizing the union."

Thus far the striking miners in those regions still remain out and are standing firm.

New York City Subways

The original subway from Van Cortlandt and Bronx Parks to Flatbush Avenue, Brooklyn, was built by the City with the City's money and leased to the Interborough Rapid Transit Company for operation.

Under the dual subway contracts, entered into about ten years ago between the Public Service Commission, First District, and The City of New York, the costs for the various new subways and elevated railroad extensions were borne equally between the Interborough Rapid Transit Company and The City of New York. Under the terms of these contracts the City is not entitled to receive any income on its investment until the operating expense of these lines and various other charges are first deducted.

Thus far, the City has about \$300,000,000 invested under the dual subway contracts and, instead of an income on its investment, is compelled to appropriate annually in its tax budget ten million dollars to pay the interest on the money borrowed to build these subways. Therefore, the cost of coal and all items of expense in connection with the operation of the subways by the Interborough Rapid Transit Company, are vitally material to the City and its citizens.

Interborough Rapid Transit Company Purchases Its Coal from the Berwind-White Coal Mining Company

In the course of a hearing held before the Transit Commission on November 28, 1921, Mr. Frank Hedley, President and General Manager of the Interborough Rapid Transit Company, testified that the prices paid by his Company for coal were on a sliding scale; that if the price of labor at the mines and the freight rates



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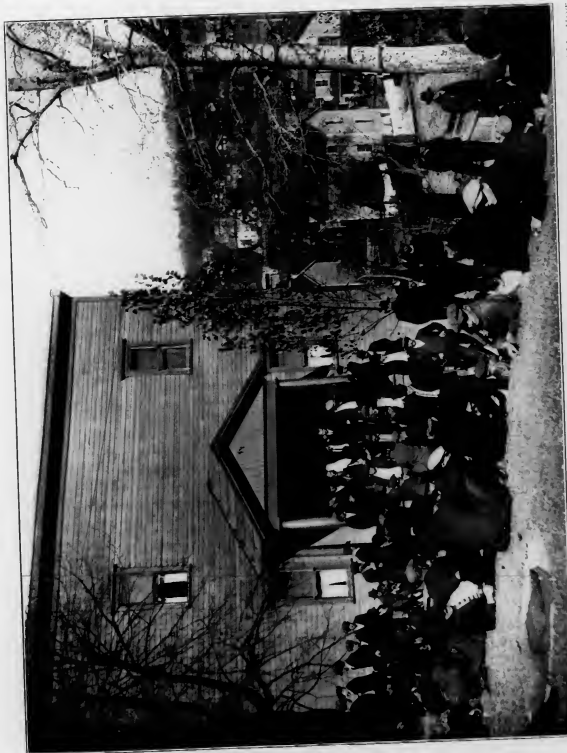
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to New York went down, the Interborough got the benefit of the reduction in cost, but if they went up, the Interborough had to pay more.

In view of the fact that the Berwind-White Coal Mining Company is only producing 45 cars of coal per day and is paying unskilled strikebreakers \$8 per day, besides maintaining numerous armed guards at the mines, it would seem that under the afore referred to sliding scale contract, the Berwind-White Coal Mining Company is passing on the cost of fighting its former employees to the Interborough Rapid Transit Company, and, through the operating costs of the subways, on to The City of New York.

Quantity of Coal Used by the Interborough

At this same hearing before the Transit Commission, Mr. Hedley also testified that the Interborough Rapid Transit Company in 1921 purchased from the Berwind-White Coal Mining Company, 770,000 tons of coal, at an average price of \$7.35 per ton. The Brooklyn Rapid Transit Company, during the same period, purchased, practically, the same quantity of coal, partly from the Berwind-White Coal Mining Company and partly from the Consolidated Coal Company, at \$6.93 per ton, or 42 cents per ton less than the Interborough paid. That is, E. J. Berwind, Chairman of the Board of Directors of the Interborough Rapid Transit Company, paid in 1921 to Mr. E. J. Berwind's Berwind-White Coal Mining Company, \$323,400.00 more than did the Brooklyn Rapid Transit Company pay that year for practically the same quantity and quality of coal.

Interborough Rapid Transit Company Pays High Price for Coal

It might not be amiss to direct attention to the fact that, while during the year 1921, the Interborough Rapid Transit Company paid the Berwind-White Coal Mining Company an average price of \$7.35 per ton for coal and the Brooklyn Rapid Transit Company paid to the same Berwind-White Coal Mining Company and to the Consolidated Coal Company, \$6.93 per ton, the Hudson-Manhattan Company was paying considerably less than both these companies for the same grade of coal.

Cost of Coal

Because of the Berwind-White Coal Mining Company's refusal to co-operate in the investigation, your Committee was unable to ascertain the exact cost of producing bituminous coal at that Company's mines. According to testimony of those working in the coal fields and who should know, the cost of coal produced by union miners receiving union wages and working under union conditions is from \$2 to \$2.25 per ton. James Gibson, one of the leaders of the striking miners, testified that one of his acquaintances, an independent coal operator with a small overhead expense, was delivering coal to the Lorain Steel Works, at Johnstown, Pa., for \$2 per ton.

To ascertain the cost of freighting the coal from the Windber coal fields to New York, the Pennsylvania Railroad Company was asked to quote a freight rate for hauling bituminous coal from Johnstown, Pa., to South Amboy, N. J., as well as to Greenville, N. J. The price quoted was \$2.74 per gross ton to South Amboy and \$2.79 per gross ton to Greenville, N. J. A well-known water transportation company quoted 40 cents per ton to transport coal from South Amboy or Greenville, N. J., to the dock at 59th Street, North River, or at 96th Street and East River. By hiring a boat of 500-ton capacity by the day, the cost per ton for lighterage can be cut down to about 25 cents per ton. Thus, the total freight cost for bituminous coal from Johnstown to the Interborough Rapid Transit Company's power house in New York City would amount to about \$3.00 per ton.

It is but reasonable to assume, that because Mr. E. J. Berwind is a Director of the Pennsylvania Railroad and the Pennsylvania Railroad tracks run directly to the Berwind-White mines, the Pennsylvania Railroad freight rates to the Berwind-White Coal Mining Company are lower than were the rates quoted to the Committee's representative.

However, accepting the figures quoted to the Committee, \$3.00 for freight and lighterage, plus \$2 or \$2.25 a ton for production, this would make a total cost for production, freight and delivery to the Interborough's power houses of about \$5.00 or, at the most, \$5.25 per ton, a net profit of at least \$2.10 per ton to the Berwind-White Coal Mining Company, or \$1,617,000 on the sale of 770,000 tons of coal at \$7.35 per ton to the Interborough Rapid Transit Company in 1921.

Interborough Rapid Transit Company Pays Higher Prices for Coal in 1922 Than in 1921

Apparently, not caring any more for the people of The City of New York than it seems to care for its miners, the Berwind-White Coal Company last April not only decreased its cost of mining coal by lowering the wages of its miners and abolishing payment for "dead work," but increased the price of the coal to the consumer by one dollar per ton.

When the strike in the Berwind coal mines occurred, and that corporation by reason thereof was unable to supply the Interborough Rapid Transit Company not only decreased its cost of mining coal by lowering the wages of its miners and still purchases coal in West Virginia, England and elsewhere, for delivery to the Interborough Rapid Transit Company. The sliding scale permits the coal company to charge the transit company much higher prices for the coal so delivered that it could have charged if there had not been a strike in its mines.

In fact, the *Subway Sun* advertised last summer that because of the strike in the Berwind-White Coal Company's mines, the Interborough has spent a million dollars more for coal during a given time this year than it did for a similar period last year and, from all appearances, the increased expenditure of the Interborough Rapid Transit Company for fuel this year, will be at least two million dollars over last year.



PARENTS HOLLOW EYED AND PREMATURELY OLD; CHILDREN UNDERSIZED AND IN MANY INSTANCES DEFORMED

Here also the managers of the Interborough Rapid Transit Company and of the Berwind-White Coal Company have shown their political power, when, because of the coal shortage created by their own doing, the McNamery Transit Commission gave the Interborough permission to reduce the number of trains in the subways by ten per cent.

If Mr. E. J. Berwind's coal company's unjustified fight against its miners and the coal miners' union were conducted at the expense of that company, that corporation's official could, perhaps, talk of so-called fight for principle. When, however, the expenses incidental to fighting the coal miners are reflected in the increase of the price of coal to the Interborough, and the Transit Company in turn charges that increase as an operating expense against the City of New York, the talk of fighting strikers as a matter of principle, becomes mere prattle to hide greed.

It does not require an expert mathematician to show that if the Berwind-White Coal Company's profit from its sale of coal to the Interborough Rapid Transit Co. was \$1,617,000 in 1921, that with the increased expenditure by the Interborough of \$2,000,000 for coal this year, the Berwind-White Coal Company's profit for the year 1922 will be at least \$2,500,000.

Summary

As hereinbefore stated, this Committee, appointed by his Honor, Mayor John F. Hylan, went to the bituminous coal district with open mind and with the sincere desire of gaining first hand information of a situation that had been characterized as deplorable.

Instead of receiving assistance to get the truth, the Committee met insults at almost every turn from the Berwind-White Coal Mining Company. The officials of the Company refused the Committee's invitation to attend the hearings, but endeavored to entrap it behind closed doors, the favorite method of soulless corporations.

The refusal to attend the hearings of your Committee and meet its striking employees who had grievances, can only be interpreted to mean that the Berwind-White Coal Mining Company, being unable to refute the charges of its striking employees, attempted to hide from the public the true facts of its method of dealing with its miners and other employees.

However, in spite of the handicap by the officials of that Coal Mining Company, this Committee proceeded with its investigation and developed the true facts in the premises.

The Committee heard harrowing tales of suffering and deprivation and saw in tents, hen-houses, stables and in other improvised homes, women and children whose feet were bare and bleeding, and whose bodies were thinly clad.

As already herein pointed out, Mr. E. J. Berwind, the reputed largest individual stockholder in the Interborough Rapid Transit Company in the City of New York and Chairman of that transit corporation's board of directors, is the prin-



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cial owner of the Berwind-White Coal Mining Company. The principal customer of Mr. E. J. Berwind's Berwind-White Coal Mining Company is Mr. E. J. Berwind's Interborough Rapid Transit Company. Thus Mr. E. J. Berwind, the multi-millionaire traction dictator, buys from himself, the fuel czar, coal upon which are engraved stories of sweat, sorrow and suffering.

It is unfortunate that the people of The City of New York, who have over three hundred million dollars of their money invested in the New York City subways, must under the present George McAneny dual subway contracts stand by and see Mr. E. J. Berwind purchase from his own company, coal mined under unfair and heartbreaking conditions and reap therefrom enormous profits, amounting in 1921 to over a million six hundred thousand dollars, with corresponding financial detriment to the tax and rent payers in The City of New York.

It may not be amiss to state here that while in the coal fields it was testified before your Committee that in all likelihood, if it had not been for the strike in the coal mines, the price of coal naturally would have dropped considerably this winter. It was further suggested that the strike in the Berwind-White coal mines was fostered with the object of creating a fuel shortage and thus maintain war prices.

The stories of the conditions which compelled the workers in the Berwind-White Coal Mining Company's mines to strike and organize for self-protection were amazing, while that corporation's refusal to give employment to their former employees because they had joined the miners' union, stamped it as being heartless and un-American.

The right of workers to organize for mutual protection has been recognized everywhere. In fact, in certain industries where skilled labor is employed, organization of mechanics is being encouraged by employers. Collective bargaining has become a fixed institution in this and many other lands, and only recently, President Harding and other men of authority, learning, and standing, expressed themselves in favor of collective bargaining, as being in the interest of America's industrial welfare.

By its un-American tactics, in refusing to accede to its workers the right to organize, Mr. E. J. Berwind's Berwind-White Coal Mining Company and other corporations like it created a famine in a most important commodity, which besides hampering industries giving employment to those who need it to earn livelihoods, is endangering the health and lives of millions of innocent men, women and children.

Coal is as much a necessity to the life, health and well being of the people as is food. We must have food to keep alive, and, with the exception of water power here and there, we depend on coal entirely to keep us warm, furnish light and power and cause the wheels of industry to revolve. In fact, coal plays such an important part and is so vital to our lives and comfort and to the development and prosperity of the nation, that, in the opinion of your Committee, it is the duty of the national government to take over the coal fields, utilize them for

the benefit of the people and place it beyond the possibility of any man, or group of men, to restrict coal production or its distribution.

While your Committee was appointed for the purpose of investigating the mining and living conditions in the mines of the Berwind-White Coal Mining Company, in relation to the coal supplied to the Interborough Rapid Transit Company, it hopes that it will be pardoned, if it expresses its belief that it was an act of Providence that guided the judgment of the people in the State of New York and in many other states on last Election Day, when they voted against continuing in control of the state government the friends and, in some instances, the willing tools of the public service corporations and coal czars.

There is no question in the minds of your Committee that so long as the City subways continue to be operated by private corporations, the manipulators of these corporations will purchase coal from their business associates at exorbitant prices and charge the excessive costs in the operating expenses.

Only when the City of New York takes over and operates these transit lines for the benefit of its people will the City receive a return on its enormous investment in those lines and be in a position to purchase coal from operators who pay their employees a living wage and treat them like human beings.

Respectfully submitted,

DAVID HIRSHFIELD,
Commissioner of Accounts
of The City of New York,
Chairman of Committee.



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